

### **REMARKS**

Reconsideration and allowance of the subject application are respectfully requested. Applicant thanks the Examiner for total consideration given the present application. Claims 1-14 are pending prior to the Office Action. No claims have been added and no claims have been canceled through this reply. Therefore, claims 1-14 are pending. Claims 1, 2, 8, 9, 10, 11, and 12 are independent. Applicant respectfully requests reconsideration of the rejected claims in light of the remarks presented herein, and earnestly seek timely allowance of all pending claims.

### **OFFICIAL ACTION**

#### **Preliminary Comments**

##### **Allowable Subject Matter**

Applicant appreciates that claims 3 and 5 are indicated to define allowable subject matter.

##### **Request for Accepted Drawings**

The Office Action Summary does not indicate that the drawings are accepted, the Applicant respectfully asks the Examiner to indicate the acceptance of the drawings in the next Office Action.

#### **Claim Rejection - 35 U.S.C. § 102(b)**

Claims 1-2, 4, 7-9 and 10-14 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Salazar et al. (U.S. Patent 5,802,467). Applicant respectfully traverses this rejection.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02*. Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Salazar fails to teach or suggest each and every claimed element.

**Claim features not taught:**

Independent claim 1 recites, *inter alia*, “wherein the controlling device wirelessly generates and transmits control data to the controlled devices, the control data including (i) a control command and (ii) a discrimination code for discriminating which of the controlled devices in the system the control command is for.” *Emphasis added.*

Independent claim 2 recites, *inter alia*, “a control data generating section for generating control data including (i) a control command and (ii) a discrimination code for discriminating which of the controlled devices in the system the control command is for.” *Emphasis added.*

Independent claim 8 recites, *inter alia*, “said controlled devices (i) receiving control data which includes a discrimination code for discriminating between the controlled devices in the system, and (ii) discriminating a controlled device to carry out a control command included in the control data, based on the discrimination code included in the received control data.” *Emphasis added.*

Independent claim 9 recites, *inter alia*, “a wireless communication section for receiving from the controlling device control data including a discrimination code for discriminating between the controlled devices in the system; [and] a discrimination section for reading out the discrimination code included in the received control data and discriminating a controlled device to carry out a control command included in the control data.” *Emphasis added.*

Independent claims 10-12 recite, *inter alia*, “control data having, in a control command for controlling the controlled devices, a discrimination code for discriminating between a controlled device to which the control command is to be transmitted and other one or more controlled devices in the system.”

Applicant respectfully traverses these rejections for the following reasons:

The Examiner alleges that the command code set of Salazar corresponds to the discrimination code recited in claim 1 of the subject application (Office Action, page 2).

According to Salazar, a device such as TV sets employs a specific communication protocol that includes a command code set for performing various functions to remotely control the device (col. 7, lines 42-44). Further, each command code set is represented by parameters stored in an array comprising a set of variable fields (col. 8, lines 36-39). Moreover, each

command code set includes a set of signals that may be employed to transmit a specific command to an infrared receiver located in an electronic device that is being controlled (col. 8, lines 31-34).

However, according to Salazar, the relation between the command code set and the control command is not clear. Namely, Salazar neither teaches nor suggests generation of the control data including the command code set and the control command. Thus, Salazar neither teaches nor suggests "control data including (i) a control command and (ii) a discrimination code for discriminating which of the controlled devices in the system the control command is for".

In addition, according to Salazar, the command code set is included in a specific communication protocol employed in the TV sets. In contrast, as illustrated in Fig. 6, the discrimination code recited in claim 1 of the subject application is not included in the specific protocol. As such, the command code set of Salazar can not correspond to the discrimination code recited in claim 1 of the subject application.

The amendment and argument for claim 1 are also applicable to independent claims 2 and 8-12. For at least the above reasons, it appears to us that the inventions of claims 1, 2, 4, 7-9, and 10-14 are not anticipated by Salazar.

#### **Claim Rejection - 35 U.S.C. § 103(a)**

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Salazar et al. in view of Yuen et al. (U.S. Patent Application No. 2002/0098834). Applicant respectfully traverses this rejection.

Claim 6 is dependent on independent claim 2, therefore, includes all the limitations of independent claim 2. Thus, Applicant submits that claim 6 is allowable at least by virtue of its dependency on claim 2. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

#### Conclusion

Therefore, for at least these reasons, all claims are believed to be distinguishable over the combination of Salazar et al. and Yuen, individually or in any combination. It has been shown

above that the cited references, individually or in combination, may not be relied upon to show at least these features. Therefore, claims 1-2 and 4-14 are distinguishable over the cited references.

In view of the above remarks, Applicant believes the pending application is in condition for allowance.

Applicant respectfully requests that the claims 1-2 and 4-14 be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael R. Cammarata, Reg. No. 39,491 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

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